UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

HUMAN GENOME SCIENCES, INC.,	)
	)
Plaintiff,	)
	)
v.	) Civil Action No. 1:12CV607 (GBL/TCB)
	)
HON. DAVID J. KAPPOS,	)
Under Secretary of Commerce for	)
Intellectual Property & Director of the	)
United States Patent & Trademark Office,	)
	)
Defendant.	)

ORDER

Upon consideration of the parties' Joint Motion For Remand to the USPTO ("Motion"), the supporting statements of points and authorities, and the entire record herein, it is hereby **ORDERED** that the Motion be, and hereby is, **GRANTED.**

It is further **ORDERED** that this matter is **REMANDED** to the United States Patent and Trademark Office ("USPTO") for recalculation and adjustment of the disputed patent term in accordance and in a manner consistent with the USPTO's *Revision of Patent Term Adjustment Provisions Relating to Appellate Review* appearing in the Federal Register at 77 Fed. Reg. 49354 (Aug. 16, 2012);

It is further **ORDERED** that this matter shall not be dismissed from this Court while it is on remand at the USPTO, that the parties shall file a joint status report with the Court within one-hundred eighty (180) days of the Court's order to remand, or within fourteen (14) days after

the USPTO issues a recalculation of the PTA on remand, whichever is earlier. Plaintiff may seek

relief from the Court if the USPTO does not act within one hundred eighty (180) days.

Furthermore, if any outstanding issues remain for adjudication in this lawsuit after remand,

Plaintiff shall be required to notify the Court within thirty (30) days of filing of the USPTO's

notice. If Plaintiff does not notify the Court of any outstanding disputed issues within this thirty

(30) day period, the parties agree that, pursuant to Federal Rule of Civil Procedure

41(a)(1)(A)(ii), the action shall be dismissed with prejudice, with each party to bear its own costs

and fees.

       SO ORDERED.

Entered this ___24th___ day of ___January___, 2013.

                           /s/

                        Gerald Bruce Lee
                        United States District Judge
                        United States District Judge